

**STAFF REPORT
ZONING BOARD OF ADJUSTMENT**

**Thursday, September 20, 2018
9:00 a.m.
Room 105 Courthouse Annex
Cascade County Commissioners Chambers**

SUP #12-2018

Subject Property Information

Name of Applicant:	Tim Wilkinson 75 Spring Ridge Dr. Great Falls, MT 59404
Owner(s):	Estate of Emma Wilkinson 75 Spring Ridge Dr. Great Falls, MT 59404
Legal Description:	S28, T20N, R3E, Lot 6, Block 6, Phase 7 Spring Tree Ridge
Geo-Code(s):	Pending Department of Revenue Assignment
Parcel Number(s):	Pending Department of Revenue Assignment
Existing Zoning:	Suburban Residential 1 (SR-1)
Requested Action:	Approval of a Special Use Permit to allow a 2 nd Dwelling/Townhome
Surrounding Land Uses / Zoning:	North: Undeveloped / SR-1 South: Residential / SR-1 East: Undeveloped / SR-1 West: Residential / SR-1
Current Land Use:	Undeveloped
Applicable Regulations:	Sections 7.1.2.3(1), 7.1.1.3(1), & 10 Cascade County Zoning Regulations

General Information:

The Cascade County Zoning Board of Adjustment is in receipt of a Special Use Permit application from Tim Wilkinson to allow a Townhome on his land at Lot 6, Block 6, Phase 7 of Spring Tree Ridge in Cascade County, MT. The applicant is requesting that a Special Use Permit be granted as required by Sections 7.1.2.3(1), and 7.1.1.3(1) of the Cascade County Zoning Regulations.

General Provisions

A special use is a use for which conformance to additional standards will be required and shall be deemed to be a permitted use in its respective district, subject to the standards and requirements set forth herein, in addition to other applicable requirements of these regulations. All such uses are hereby said to possess characteristics of such unique and special forms that each specific use shall be considered as an individual case.

A special use permit may be issued only upon meeting all requirements in these regulations for a specific use which is explicitly mentioned as one of the "Uses Permitted Upon Issuance of a Special Use Permit as Provided in Section 10" within the respective zoning districts contained in Section 7 or Section 8.1.5 hereof. After the public hearing is closed, the Zoning Board of Adjustment can approve, deny, or approve with conditions the Special Use Permit. A separate Special Use Permit shall be required per each tract of land. The Special Use Permit fee shall be \$450.00.

Expiration

The Zoning Board of Adjustment approval of the Special Use Permit shall be valid for only one particular use and shall expire one year after the date of approval, if construction or the use has not started. The Zoning Administrator may grant a one-time only six (6) month extension of the Zoning Board of Adjustment approval.

The Special Use Permit shall expire if the use ceases for six (6) months for any reason. Any further extension requests must be granted by the Zoning Board of Adjustment prior to the date of expiration.

Findings of Fact:

1. The property is in the Suburban Residential 1 (SR-1) Zoning District. The proposed Townhome is allowed in the Suburban Residential 1 District pursuant to Sections 7.1.2.3(1) and 7.1.1.3(1) of the Cascade County Zoning Regulations. Section 7.1.2.3 of the Cascade County Zoning Regulations reads, "[Uses Permitted Upon Issuance of a Special Use Permit] (1): ...as set forth under RR-5 District regulations

may be used in SR-1 and SR-2 Districts.] Section 7.1.1.3(1) reads “A second dwelling, including ... 2 single family homes”

2. The Estate of Emma J Wilkinson is the legal owner of the property.
3. The property is not in violation of any Cascade County Zoning Regulations or any other County Ordinance, and county taxes are current.
4. Legal Notice of the application and the public hearing was published in the Great Falls Tribune on September 9, 2018 and September 16, 2018. As of writing this staff report, planning staff have received no phone calls or written comments/concerns.
5. A special use permit may be revoked by the Cascade County Board of Adjustment at any time a building(s) or use(s) is deemed to be in violation of the standards and zoning requirements under which the special use permit was issued. A violation of a special use permit will be handled as any other violation under Section 13 of these regulations.
6. Appeals of the Zoning Board of Adjustment decision shall follow the process outlined in Section 12 of the Cascade County Zoning Regulations.
7. Access to the new dwelling unit will be a driveway from a private road.

Findings with Respect to the Analysis Criteria

Staff provides that the following analysis, findings and conclusion for each of the required criteria and conclusions provided under the controlling sections of the Zoning Regulations.

1. Conditions may be required that the Zoning Board of Adjustment determines if implemented, will mitigate potential conflicts in order to reach these conclusions.
2. The proposed development will not materially endanger the public health or safety.

Considerations:

- a. Traffic conditions in the vicinity, including the effect of additional traffic on streets and street intersections, and sight lines at street intersection and curb approaches:

Applicant: The addition of one single family residence will have a negligible impact on traffic conditions. Further, the

Preliminary Plat approved by the County had 14 more lots than the Final Plat filed on March 13, 2018. As a result, the net traffic impact is significantly less than previously approved.

Staff: Since this lot is part of a recently approved phase extending a residential subdivision the traffic generated will be in line with any comparable residential development.

- b. Provision of services and utilities including sewer, water, electrical, garbage collections, and fire protection.

Applicant: All services are installed to the lot including electrical, natural gas, phone, and public water. Further, there is a fire recharge hydrant within 30 feet of the lot.

Staff: Since this is a new development, services should be built seamlessly into the lots and structures.

- c. Soil erosion and sedimentation.

Applicant: The soil conditions are excellent for construction purposes and include gravel and fractured sandstone.

Staff: Staff believes that this use will have minimal to no effect on soil erosion and sedimentation.

- d. Protection of public, community, or private water supplies, including possible adverse effects on surface waters or groundwater.

Applicant: The lot is served by a public water system and has been previously approved by the Montana DEQ and therefore will have no impact on surrounding private or public water supplies.

Staff: This lot is part of a subdivision pre-approved by DEQ and will have negligible impact on surface or ground water.

- 3. The proposed development is a public necessity, or will not substantially impact the value of adjoining property.

Considerations:

- a. The relationship of the proposed use and the character of the development to surrounding uses and development, including possible conflicts between them and how these conflicts will be resolved.

Applicant: Each townhome unit is a single family dwelling unit in character with the surrounding development.

Staff: Since this is a new phase of an existing subdivision, Staff believes there is a reasonable assurance that the developer will continue to build in character with the surrounding properties.

- b. Whether the proposed development is so necessary to the public health, safety, and general welfare of the community or county as whole, to justify it regardless of its impact on the value of adjoining property.

Applicant: N/A

Staff: Staff does not believe that this proposal would create any adverse impacts that would require justification.

- 4. The proposed development will be in harmony with the area in which it is located.

Considerations:

- a. The relationship of the proposed use and the character of development to surrounding uses and development, including possible conflicts between them and how these conflicts will be resolved.

Applicant: Each townhome will be professionally designed and in the \$350,000 to \$400,000 range. Therefore, the units will compliment and will be consistent with the current Spring Tree Ridge development.

Staff: Staff believes that the developer has an interest in maintaining the high-end character of the existing neighborhood and strongly doubts that any action would be taken that could generate conflict with surrounding uses and development.

- 5. The proposed development will be consistent with the Cascade County Growth Policy.

Considerations:

- a. Consistency with the growth policy objectives for the various planning areas, its definitions of the various land use classifications and activity centers, and its location standards.

Goal 1: Sustain and strengthen the economic well-being of Cascade County's citizens.

- A. Stimulate the retention and expansion of existing businesses, new businesses, value-added businesses, wholesale and retail businesses, and industries including agriculture, mining, manufacturing/processing and forest products.*
- B. Stabilize and diversify the county's tax base by encouraging the sustainable use of its natural resources.*
- C. Identify and pursue primary business development that complements existing business, which is compatible with communities, and utilizes available assets. Identify and pursue targeted business development opportunities to include, but not limited to, manufacturing/heavy industry, telecommunications, and youth/social services.*
- D. Promote the development of cultural resources and tourism to broaden Cascade County's economic base.*
- E. Foster and stimulate well-planned entrepreneurship among the county's citizenry.*
- F. Promote a strong local business environment. Encourage and strengthen business support mechanisms such as chambers of commerce, development organizations and business roundtable organizations.*
- G. Improve local trade capture for Cascade County businesses. Promote local shopping as well as well-planned businesses and new businesses.*
- H. Network with and support other economic development efforts in the region and statewide, in recognition of Cascade County's interdependence with other communities and to leverage available local resources.*
- I. Encourage the growth of the agricultural economy.*
- J. Stimulate the growth of the economy by encouraging the use of alternate methods of energy production, including wind energy.*

Applicant: The townhome will increase the tax base by approximately \$5,000 to \$7,000 per annum over the existing vacant lot.

Staff: The creation of desirable high-end homes in Cascade County will provide revenue through taxable property, as well as attract wealthy clients who will circulate money through the County's economy.

GOAL 2: Protect and maintain Cascade County's rural character and the community's historic relationship with the natural resource development.

Objectives:

- A. *Foster the continuance of agriculture and forestry in recognition of their economic contribution and the intrinsic natural beauty of grazing areas, farmlands and forests.*

Applicant: The lot is currently zoned 1 acre residential and therefore the SUP will have no negligible impact.

Staff: Staff agrees with the applicant that this proposal will have minimal impact on agriculture or forestry or the natural beauty of the area.

- B. *Preserve Cascade County's scenic beauty and conserve its forests, rangelands and streams, with their abundant wildlife and good fisheries.*

Applicant: No impact.

Staff: Staff believes this proposal will have no negative impact on the County's scenic beauty.

- C. *Preserve Cascade County's open space setting by encouraging new development to locate near existing towns and rural settlements and by discouraging poorly designed, land subdivisions and commercial development.*

Applicant: The lot is in an approved planned residential development and appropriately zoned.

Staff: Staff agrees with the applicant that this area is the appropriate setting for residential development and is a continuance of the existing residential area.

- D. *Assure clean air, clean water, a healthful environment and good community appearance.*

Applicant: No impact.

Staff: This proposal will have no negative impact on the assurance of clean air, water, environment, or community appearance.

- E. *Support the development of natural resources including but not limited to timber, mining, oil and gas production, and renewable energy production.*

Applicant: No impact.

Staff: This proposal is located in an area not suitable for natural resource development.

- F. *Continue to work with federal and state agencies to redevelop properties within Cascade County which are currently undergoing Superfund and Brownfields process.*

Applicant: No impact.

Staff: This proposal is not located in an area that has been identified as a Superfund or Brownfields site.

GOAL 3: Maintain Agricultural economy

- A. *Protect the most productive soil types.*
- B. *Continue to protect soils against erosion.*
- C. *Protect the floodplain from non-agricultural development.*
- D. *Support the development of value-added agricultural industry in Cascade County utilizing the products from the regional area.*

Applicant: No impact.

Staff: The proposed townhome is not located in an area that is currently used for agricultural purposes and has not been cultivated in recent history. It is reasonable to conclude that this will have no negative impact on the County's agricultural economy.

GOAL 4: Retain the presence of the US Military in Cascade County.

Objectives:

- A. *Encourage the federal congressional delegation to actively support maintaining the current mission status at a minimum.*
- B. *Promote the location of additional military missions in Cascade County.*
- C. *Encourage the reactivation of the runway at Malmstrom Air Force Base for fixed wing operations.*

D. Refer to the Joint Land Use Study for resolving conflicts and promoting mission compatible development.

Applicant: No negative impact.

Staff: Staff does not believe that this application will have any impact on the presence of the US Military in Cascade County.

GOAL 5: Preserve and enhance the rural, friendly and independent lifestyle currently enjoyed by Cascade County's citizens.

Objectives:

- A. Maintain Cascade County's citizens independent lifestyle and minimize local governmental intervention, to the extent possible, consistent with the requirements of a continually evolving economy and constantly changing population.*
- B. Preserve and promote Cascade County's rich cultural heritage, rooted in natural resource development and reflected in its numerous cultural/historic sites and archaeological areas.*
- C. Promote fire prevention measures throughout the county, giving special emphasis to the extreme fire hazards present at the wild land/urban interface.*
- D. Encourage the continued development of educational programs and facilities, recreational opportunities and spaces and health services for all county residents.*

Applicant: No negative impact but rather may reflect positively on such goal(s).

Staff: The proposed townhome will not negatively affect the Cascade County's citizens' rural lifestyle. The proposed parcel of land is serviced by the Gore Hill Fire Department.

- b. Consistency with the municipal and joint land use plans incorporated by the Growth Policy.

Applicant: No negative impact but rather may reflect positively on such goal.

Staff: The proposal will not have a negative impact on the municipal or joint land use plans, but is likely to have a positive effect on the character of the County.

Operations in connection with the Special Use permits shall not be more objectionable to nearby properties by reason of noise, fumes, vibrations, or flashing lights, than would be the operation of any permitted use.

Motions:

The following motions are provided for the board's consideration:

- A. Alternative 1: Move the Special Use Permit to allow the placement of a Townhome on Lot 6, Block 6, Phase 7, Spring Tree Ridge, Cascade County, MT be **denied** due to (ZBOA member proposing denial must delineate legal reason that the application be denied); or
- B. Alternative 2: Move the Board adopt the staff report and **approve** the Special Use Permit to allow the placement of a Townhome on Lot 6, Block 6, Phase 7, Spring Tree Ridge, Cascade County, MT subject to the following conditions:
 1. The applicant obtains any other required county, state, or federal permits and comply with regulations associated with any other permits.
 2. Applicant obtains addresses from Cascade County Public Works / GIS / Mapping Addressing for E911 purposes
 3. Applicant obtains approval for septic permit from City-County Health Department to install septic system

Attachments:

- Special Use Permit Application, Plat Map

cc: Tim Wilkinson